

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BRETT CHRISTIAN, et al.,

Plaintiffs,

-vs-

KEVIN P. BRUEN, et al.,

Defendants.

DECLARATION

22-CV-695

David J. State, declares under penalty of perjury that the following is true and correct in accordance with 28 USC § 1746:

1. I am the General Counsel for the Niagara Frontier Transportation Authority (“NFTA”). The NFTA is a New York State public-benefit corporation established under New York Public Authorities Law § 1299-a et seq. in 1967. The NFTA is responsible for public transportation in Erie and Niagara counties. This involves, among other things, operating a light rail system and a bus system.

2. The NFTA, through a subsidiary, owns the vehicles, including the buses and light rails cars, required to operate the light rail and bus system.

3. The NFTA has partnered with the Buffalo Board of Education to provide a transportation program for students enrolled within the Buffalo school district. This arrangement is documented in a contract between a subsidiary of the NFTA (known as Niagara Frontier Transit Metro, Inc.) and the Buffalo Board of Education. Students can also board any regular NFTA bus route and Metro Rail when a valid school-issued bus pass is presented to the bus operator or fare inspector. Through this program it is estimated that NFTA Metro serves approximately 25 schools directly involving 10,400 students and more than 20,000 rides per day.

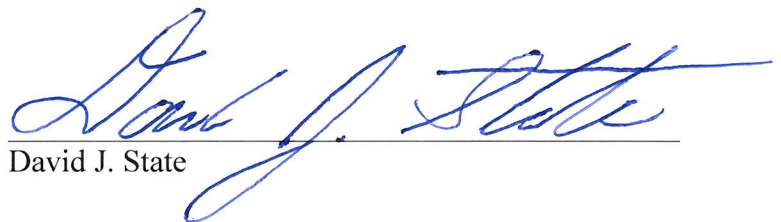
4. Among other services, the NFTA also provides supplemental service (commonly referred to as “specials”) for students. A “special” is an NFTA Metro bus provided only on

school days to bring students to school in the morning or to take them toward their homes after school. The special can follow an existing bus route or a route exclusively for that particular trip. Specials are also open to be accessed by regular non-student customers.

5. The NFTA also has its own police force known as the Niagara Frontier Transportation Authority Police Department. The NFTA Police Department has an authorized strength of 83 sworn officers. Transit Police Officers have the authority to exercise police powers and duties, as provided for law enforcement, in traffic and criminal matters within the NFTA's jurisdiction of Erie, Niagara and Genesee Counties. The NFTA Police Department's duties include quickly responding to violence or disruptions that may occur on the NFTA's bus or light rail system.

6. As to the number of customers we serve, we continue to see an increased demand for service. For example, we publicly reported to the NFTA Board on October 27, 2022, the following Year-To-Date numbers for Bus and Rail: Bus: 04/01/22 - 09/30/22 **5,898,653**, as compared to the prior year 04/01/21 - 09/30/21 **5,284,170**. Rail: 04/01/22 - 09/30/22 **1,223,083**, as compared to the prior year 04/01/21 - 09/30/21 **986,805**.

Dated: November 3, 2022



David J. State